

OFFICIAL WARNING
VIOLATION OF THE
COMMERCIAL DOG AND CAT
OPERATOR INSPECTION ACT

The Nebraska Department of Agriculture has evidence that on or about **August 29, 2018**, you or your establishment committed violations of the following sections of the Commercial Dog and Cat Operator Inspection Act.

§54-640. Commercial dog or cat breeder; duties. A commercial dog or cat breeder shall:

(1) Maintain housing facilities and primary enclosures in a sanitary condition;

23NAC 007.09A(1) Primary Enclosures

Primary enclosures shall also be maintained in a clean and sanitary manner as follows: Be cleaned as often as necessary, but at least one time per day.

On the inspection of August 29, 2018, a violation was noted in that all dog pens located inside of facility need to be cleaned and piles of feces needs to be removed. This is a repeat violation from the May 8, 2018 inspection.

23 NAC 007.10C. General Requirements for All Housing Facilities. All housing facilities shall be kept clean and be easy to clean. Weeds grasses and bushes shall be controlled so as to facilitate cleaning and pest control.

On the inspection of August 29, 2018, a violation was noted that inside and around outdoor pens the grasses and weeds need to be cut or mowed.

007.10F Have proper drainage. All licensed facilities shall have a method to prevent excess or standing water and other fluids and keep the dog, cat, and its bedding dry.

On the inspection of August 29, 2018, a violation was noted that the dirt holes in outside pens need to be filled in with dirt and south outdoor pens dogs cannot escape mud or standing water. There are 2-3 pens located inside the barn that have mud or wet surfaces. It was noted that dogs need to be kept in a clean dry environment with clean dry bedding. Failing to fill in holes from digging is a repeat violation from the inspection of May 8 and July 17, 2018.

23 NAC 007.07B, 007D(4) Employee Requirements. All operators shall be responsible for ensuring that a sufficient number of trained employees are available to perform general husbandry tasks.

A facility that is routinely noncompliant in general husbandry areas may indicate too few employees on site, or employees who are not trained in the appropriate humane handling, care, and treatment of dogs and cats.

Factors that indicate inadequately trained, or insufficient number of, employees:

Facility is routinely noncompliant in general husbandry because of inadequate cleanliness due to accumulations of litter, food waste, feces, trash, junk, or weeds; or high incidence of injury to the dogs; or multiple substantiated complaints against the facility by the general public.

On the inspection of August 29, 2018, a violation was noted that more employees are needed to properly care for the dogs and to keep the standards in compliance, or that major downsizing is needed.

23 NAC 007.10 G(1) Each dog and cat shall be provided with adequate shelter from the elements at all times. Adequate shelter shall:

007.10G(1)(a) Protect the dogs' and cats' health and safety;

007.10G(1)(c) Protect the dogs and cats from adverse weather conditions;

On the inspection of August 29, 2018 it was noted that one dog located in north facility did not have proper shelter as the dog house present was full of water.

23 NAC 007.12 Outdoor Housing. All operators who maintain outdoor housing facilities which

contain one or more sheltered structures, shall ensure such structures be constructed so that

each shelter:

007.12A Be accessible to each dog or cat;

007.12C Provide adequate protection or shelter from extreme cold or heat;

007.12D Provide protection from direct rays of the sun;

On the inspection of August 29, 2018 it was noted that Outdoor pens located in north facility need to have proper shade to protect dogs from summer heat.

THIS OFFICIAL WARNING LETTER IS BEING ISSUED TO ADVISE YOU TO TAKE CORRECTIVE ACTION AS FOLLOWS:

Violations of the Act and Regulations sanitation standards cited herein need to be corrected on and after September 5, 2018. Each violation of the Act or the regulations shall constitute a separate offense.

Failure to correct the non-compliance items may result in administrative action.

The Nebraska Legislature has determined that the Nebraska Department of Agriculture shall establish a licensing and inspection program for commercial dog and cat breeders, dealers, boarding kennels, animal control facilities, animal rescues, animal shelters, and pet shops, to determine whether the requirements of care set forth in the Commercial Dog and Cat Operator Inspection Act, Neb. Rev. Stat. §§54-625 through 54-643, and the rules and regulations adopted and promulgated under the Act, 23 NAC 18, are being met. Since violations of the Act and the regulations can have serious impacts on the health and safety of dogs and cats, the Department is providing you with an Official Warning for the violation(s) described above. Any further violations of the Act, the regulations, or both, may result in the assessment of an administrative fine, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the Department official listed in this notice.

OFFICIAL (Name and Title)

Dr. Annette Bredthauer, Program Manager

OFFICE ADDRESS:

**Animal and Plant Health Protection
P.O. Box 94787
Lincoln, NE 68509-4787**

SIGNATURE:

DATE ISSUED:

August 31, 2018

TELEPHONE NO.:

402-471-6832

CERTIFIED MAIL RECEIPT NO:

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